

State of New Jersey  
Department of Labor and Workforce Development  
Board of Review

## MEMORANDUM

**To:** Cornelia Calderone, Chair, Joseph Sieber,  
Vice Chairman, and Frank Serico, Member

**From:** Sarah Barnwell, Appellate Specialist  
Board of Review

**Subject:** Minutes of the June 7, 2006  
Board of Review Meeting

**Date:** June 8, 2006

THESE MINUTES HAVE NOT BEEN FORMALLY APPROVED AND ARE SUBJECT TO CHANGE OR MODIFICATION BY THE BOARD OF REVIEW AT ITS NEXT MEETING. NO DECISION OF THE BOARD OF REVIEW IS FINAL UNTIL IT HAS BEEN MAILED TO THE INTERESTED PARTIES.

1. **FORMAL OPENING:** A regular meeting of the Board of Review, Department of Labor was held on Wednesday, June 7, 2006 at 9:00 a.m. at the Board of Review offices, Labor Building, John Fitch Plaza, 7<sup>th</sup> Floor, Large Conference Room, Trenton, New Jersey. Notice of said meeting was posted in the Board of Review's office, filed with the Secretary of State, and published annually in *The Trenton Times* and *The Star Ledger*. It was noted that the next regular meeting of the Board of Review is scheduled for Wednesday, June 14, 2006 at 9:00 a.m. at the Board of Review offices, Labor Building, John Fitch Plaza, 7<sup>th</sup> Floor, Large Conference Room, Trenton, New Jersey.

Roll Call: Present: Ms. Calderone, Chair  
Mr. Sieber, Vice Chair  
Mr. Serico, Member  
Ms. Barnwell, Appellate Specialist  
Absent: Mr. Yarbrough, Executive Secretary

2. Following a motion by Mr. Sieber and seconded by Mr. Serico, the minutes of the May 31, 2006 meeting were approved with two corrections. Under Item (b) 104,985, the date of the disability during unemployment claim should be October 16, 2005. Under Item (e) 99,289, the decision will be prepared by Mrs. Keller.

3. Old Business

(a) 97,850

Ms. Gagliardo presented this case that involved a sales associate who was not permitted to return to work from an extended absence because she failed to communicate with the employer during the period that she was out of work. The Appeal Tribunal had held the claimant disqualified under

N.J.S.A. 43:21-5(a) and liable for refund of benefits received. Following discussion, the Board noted that the claimant's failure to contact the employer constituted a voluntary leaving and voted to affirm the decision of the Appeal Tribunal.

#### 4. New Business

(a) 15,622 et al

Ms. Futterman presented this case that involved the separation of communication employees who accepted a retirement package. The Appeal Tribunal had held the claimants disqualified under N.J.S.A. 43:21-5(a). Following discussion, the Board voted to affirm the decision of the Appeal Tribunal. THIS DECISION DOES NOT BECOME FINAL UNTIL IT HAS BEEN MAILED TO THE INTERESTED PARTIES.

(b) 46,990

Ms. Abrunzo presented this case that involved a claimant who allegedly performed services for an employer during a period that he claimed and received unemployment benefits. The Appeal Tribunal had held the claimant not disqualified for benefits under N.J.S.A. 43:21-5(g)(1) and not liable for refund. Following discussion, the Board noted that additional testimony was needed from the Deputy to determine if the claimant was eligible to benefits received and voted to remand the matter. Ms. Abrunzo will prepare the remand.

(c) 106,956

Ms. Barnwell presented this case that involved a legal secretary who received a salary after the date that she was discharged for unsatisfactory work performance. The Appeal Tribunal had held the claimant disqualified under N.J.S.A. 43:21-5(b) and remanded the matter of continuation pay to the Deputy. Following discussion, the Board voted to affirm the decision of the Appeal Tribunal with respect to the matter of separation and to set aside the Appeal Tribunal's remand regarding continuation pay because such is academic. Ms. Barnwell will prepare the decision.

There being no further business to transact, a motion was made by Mr. Serico to adjourn the meeting. Mr. Sieber seconded the motion.

SUBMITTED FOR APPROVAL:

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Sarah Barnwell  
Appellate Specialist

2. Following a motion by and seconded by , the minutes of the meeting were approved.

3. New Business

4. Public Portion

There being no further business to transact, a motion was made by to adjourn the meeting. seconded the motion.

SUBMITTED FOR APPROVAL:

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Gerald Yarbrough  
Executive Secretary

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